

This comment is written in nature of a complaint against the FCC for its failure to promptly classify the transmission component of the internet as "telecommunications" which would enable the FCC to firmly establish "net neutrality":

I currently access the internet through the local cable company in Washington D.C., Comcast. I obtain most of my news and other information from sources on the internet, some of which are exclusively available on the internet. My internet and phone service package is currently \$66.48 a month, a discounted rate which is scheduled to go up to around \$82.00 month in about 6 months.

To my knowledge, my access to the internet is currently "net neutral", the condition under which companies providing internet services treat all sources of data equally; a condition of net access that has been universal in the U.S. since the internet's invention by the U.S. government.

My understanding is that the Supreme Court, as part of a decision in a 2005, held that the FCC has the power to classify the transmission component of internet access as a Title II service, i.e. as "telecommunications". The FCC should immediately do so, as this would provide the FCC the ability to ensure the continuation of net neutrality.

Failure of the FCC to immediately classify the transmission component of internet access as falling under Title II, threatens the present net neutral condition, as private companies in the "internet business" begin to contract with each other to provide faster access to web pages where the owners of those web pages would each pay a premium for the faster service. This is not a hypothetical threat, as in the past week the news has been that Verizon and Google have been discussing just such an arrangement. See, for example, Celia Kang, "Google hedges its bets on openness", The Washington Post, August 11, 2010, pp. A1 and A12. Other companies similarly situated will without a doubt, follow in their footsteps. Once business contracts are in place which have negotiated away net neutrality, it will be much more difficult for the FCC to assert its authority and classify the transmission component of the internet as a Title II transmission and to assert net neutrality through regulation.

If net neutrality is lost, we will have a schema in which a particular web site's speed depends on the price that that particular web site pays a company to have its signal transmitted. This would result in a tiered system, "fast lanes" and "slow lanes". Even a schema in which part of the internet were kept net neutral is unacceptable, as inevitably companies would cease to put any investment into the "net neutral" delivery components which would then just atrophy.

With the loss of net neutrality, the extra costs that web page owners are charged would inevitably be passed onto the consumer, in one form or another. Society has a finite amount of money to spend, and the "Internet access providers" are already very profitable. In fact, since in any particular market there are typically only one or two providers, these companies enjoy a virtual monopoly and are able

to set prices accordingly. Besides the "internet package" which I purchase monthly referred to above, I have several other monthly expenses, like any other citizen. The consumer in the U.S. has lost real income in the last decades. My costs for internet service should not, as a public policy matter, be increased, by artificial costs that are "passed down" or in any other way. I would like to note here, that I already am effectively excluded from the news channels carried by cable and satellite television providers, since I do not purchase such services which are quite expensive. It should be borne in mind that the U.S. taxpayers have partially funded the build-out of cable and telephone wires for decades, bringing the internet into millions of homes, including mine. A public policy decision was made, that our society would benefit from such a build-out.

Furthermore, it would be unacceptable from another stand point, for Internet access providers to become the "gatekeepers" of the internet by their ability to regulate the speed of information transfer: Right now, citizens have fundamental issues, of the highest urgency, to address by choosing which political candidates to vote for; and I, along with all citizens, need 100% net neutrality, across all technologies, to ensure the uninhibited availability of the news and information I get over the internet and which I need in order to be able to decide, and vote, on issues.

In this connection there have been, in recent history, instances where media corporations have refused to carry messages including political advertising, when the corporation owning the media outlet in question, did not like the message. There is simply too much risk that Verizon, or other corporations similarly situated, could factor in the views expressed on a web site, in the corporations' respective decisions on the speed of access that a particular web site has on the internet. Even if the speed tiers of Verizon or a company similarly situated in the future is neutral on its face, Verizon and such other companies will have complete and nearly undetectable control of the actual access of any particular web site. It will simply be prohibitive in terms of cost, for small web sites to take any claim of abuse to court, and prove it.

My last complaint, is that the internet has been a virtual economic engine all by itself, in this country. From a business stance, I, along with all citizens in this country, will be harmed economically, if Verizon and companies similarly situated are allowed to raise the barriers to entry for "business" web sites. (I.M.Chettiar and J.S. Holladay, "Free To Invest, The Economic Benefits of Preserving Net Neutrality", Institute for Policy Integrity, New York University School of Law, Report No. 4, (January 2010), http://policyintegrity.org/documents/Free_to_Invest.pdf).

The Internet access providers say they need to create speed tiers so they will have funds to invest in capacity, but this argument appears to have little merit, given the anticompetitive state of the Internet access industry. An editorial in the Journal Sentinel out of Milwaukee, Wisconsin, arguing for FCC regulation to the end of "maintaining net neutrality", makes the point well: "At the moment, broadband providers act without much competition from other broadband providers. And without this competition

- and with already relatively high profit margins - the disincentive to invest already exists." JS Online, April 24, 2010, <http://www.jsonline.com/news/opinion/91954444.html>

Thus, for the reasons cited above, my complaint in summary, is that the failure of the FCC to immediately classify the transmission component of internet access as falling under Title II, threatens the present net neutral condition of the internet, thereby threatening all citizens with irreparable harm.